

Frank.

NAYS—11.

Atlee,	Johnson,	Sims,
Clemens,	Kearby,	Tyler,
Garwood,	Kimbrough,	Weisiger.
Harrison,	Maetze,	

The secretary read, by order of the chair, the following invitation from His Excellency, the Governor:

EXECUTIVE OFFICE.

Austin, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Dear Sir—The Governor requests that you will kindly announce to the Senate and its officers his desire to meet them and their ladies at a reception which Mrs. Hogg and himself tender them at the Mansion on Friday evening, the 27th, from 4 to 10 o'clock.

Very respectfully,

R. B. LEVY,  
Private Secretary.

Senator Simkins moved to adjourn to 10 a. m. tomorrow which was declared out of order by the chair.

Senator Crane moved to suspend the call.

Adopted.

Senator Carter withdrew his motion to order the previous question.

Senator Pope moved to adjourn to 10 a. m. tomorrow which motion was adopted with the understanding that Senator Johnson be entitled to the floor on the pending business, Senate bill No. 1.

THIRTY-NINTH DAY.

SENATE CHAMBER, }  
AUSTIN, February 27, 1891. }

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—25.

Atlee,	Glasscock,	Potter,
Carter,	Harrison,	Sale,
Clark,	Ingram,	Sims,
Clemens,	Johnson,	Simkins,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Townsend,
Finch,	Lubbock,	Tyler,
Frank,	Maetze,	Weisiger.
Garwood,	Pope,	

ABSENT—None.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the Journal on motion of Senator Kimbrough further reading of the same was dispensed with.

On motion of Senator Finch Senator Ingram was excused for yesterday on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Finch:

Petition of Alex. Gelmer and J. G. Burton for revival of teachers claims.

The president gave notice of signing and signed in presence of the Senate

House bill No. 510, entitled "An act to amend article 145, chapter 3 of the revised civil statutes of Texas."

Senator Kimbrough made the following reports:

COMMITTEE ROOM,

Austin, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 285, being "An act to provide for the purchase by the State of the oil painting known as 'the Log Cabin History of Texas, painted by Prof. H. A. McArdle, and to make an appropriation therefor,"

Have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that it do pass.

KIMBROUGH, Acting Chairman.

COMMITTEE ROOM,

Austin, February 26, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 313, being "An act for the relief of Wiley Thompson, C. Cannon, H. M. Jarrett, J. M. Brown, W. A. D. Armstrong, Frank Templeton and E. C. Dickinson from pecuniary liability on the official bond of Wm. Neal Raney, as assistant superintendent of the Texas penitentiary at Rusk,"

Have had the same under consideration, and I am instructed to report that the constitutional requirement requiring notice by publication in a newspaper for thirty days has been complied with, and to report the same back to the Senate with the recommendation that it do pass.

KIMBROUGH, Acting Chairman.

COMMITTEE ROOM.  
Austin, February 26, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 317, being an "An act to prohibit the barter, sale or exchange of vinous, malt or other intoxicating liquors or medicated bitters within one and a half miles of Lone Star Institute in Cherokee county, Texas, and to provide a penalty therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

KIMBROUGH, Acting Chairman.

Senator Townsend made the following report:

COMMITTEE ROOM.  
Austin, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts, to whom was referred

Senate bill No. 246, being "An act to reorganize the Thirty-fifth judicial district, and create the Fifty first judicial district of the State,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TOWNSEND, Chairman.

Senator Potter made the following reports:

COMMITTEE ROOM,  
Austin, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Incorporated Cities and Towns, to whom was referred

Senate bill No. 283, "An act to amend article 344, chapter 2, title xvii, of the revised civil statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

POTTER, Chairman.

COMMITTEE ROOM,  
Austin, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Incorporated

Cities and Towns, to whom was referred

Senate bill No. 316, being "An act to amend an act entitled 'An act to amend article 425c, chapter 55, of the revised civil statutes of the State of Texas as passed by the Twentieth legislature of the State of Texas, by an act approved March 23d, 1887, to authorize cities and towns to levy and collect taxes for the construction of public buildings, water works, sewers, improvement of roads and bridges, streets and other permanent improvements, to issue bonds therefor, to repeal all laws in conflict therewith and declaring an emergency.'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POTTER, Chairman.

Senator Johnson made the following report:

COMMITTEE ROOM,  
Austin, February 25, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements, to whom was referred

Senate bill No. 519 and 132, being "An act to amend article 4256 of the revised statutes of the state of Texas and to add thereto article 4256a regulating passenger and sleeping car fare on railroads and to repeal all laws in conflict therewith," and "An act to amend article 4256, chapter 10, title 84 of the revised civil statutes as amended by the called session of the Seventeenth legislature, chapter 4, approved April 14, 1882,"

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the accompanying substitute for said bill, with the recommendation that said substitute do pass.

JOHNSON, Chairman.

Bills and substitute read first time. Senator Potter made the following report from committee of Conference with the House:

CONFERENCE COMMITTEE ROOM,  
Austin, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Conference committee, appointed to consider the differences between the two houses on

Senate bill No. 10,

Have had the same under consideration, beg leave to report that we have unanimously agreed upon such differences and report said bill, with the amendment, back and ask that the House amendments be concurred in, with the following amendment to the same:

Strike out the word "one," in last line of the first House amendment, and insert "two."

We agree to the third House amendment, and further amend the caption by striking out the words "to less than the period fixed by law" and insert "to not less than two years."

Respectfully submitted,

POTTER, Chairman,  
Senate Conference Committee.  
Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Austin, February 27, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has concurred in Senate amendment to House bill No. 510, being "An act to amend article 145, chapter 3 of the revised statutes of Texas," and that the House has passed House joint resolution No. 7, amending section 51, article 3 of the State of Texas with the attached engrossed rider amendments.

Also that the House has passed House bill No. 211 by a two-thirds vote—ayes, 78, nays, none, being "An act to amend section one (1) of an act entitled an act to amend section 46, chapter 25 of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1857, an act to amend section 46 of an act to encourage stock raising and to protect stockraisers, approved April 22, 1879, and amended April 4, 1881, and April 12, 1880, and March 27, 1887, and March 29, 1889."

SAM H. DIXON,  
Chief Clerk House of Representatives.

Senator Pope made the following report:

COMMITTEE ROOM,  
Austin, February 24, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

Senate bill No. 262, being an "Act to authorize and empower the courts in certain instances to fix the amount

of the damages or to increase or diminish the same, and to authorize appeals in such cases."

Have had the same under consideration, and I am instructed to report the accompanying substitute back to the Senate with the recommendation that it do pass.

POPE, Chairman.

Substitute read first time.

The following report from special committee was made:

COMMITTEE ROOM,  
Austin, February 26, 1891.

Hon. George Pendleton, President of the Senate, and  
Hon. R. T. Milner, Speaker of the House of Representatives:

Sirs—We your joint committee appointed to visit the Reformatory and House of Correction at Gatesville, and report on its condition and management, would respectfully beg leave to report that we have performed that duty and are pleased to state that we find the general condition of the institution as good and its management fully as efficient and satisfactory as could possibly be expected with the facilities and appropriations at the disposal of the superintendent.

There are now one hundred and thirty-eight inmates, and the number is constantly increasing, notwithstanding the discharges on account of expiration of sentence. Making proper allowance for rooms for the family of the superintendent, we find the space for the inmates and the necessary attendants already insufficient. We find the dormitories so overcrowded that in our judgment it is sure to result in completely undermining the health of the boys, and ultimate in a large percentage of sickness and mortality. In the dormitory for whites twenty boys are required to sleep in a room twenty-four feet square, and in the largest colored dormitory there are about twenty-five boys to the same space, the beds being placed as close together as possible, and a part of them "double decked," one boy sleeping above another. We would suggest that two of the partitions be removed from the second floor of the building now occupied by the superintendent, which, we understand from the architect, can be done without injury to the building, which would give two rooms 24x25 that could be used as dormitories and would prevent the over-

crowding of this department, perhaps for several years.

We find further, that the amount of tillable land (being only 300 acres) is entirely insufficient for the number of inmates at present, even taking into consideration the land that can be rented in the immediate neighborhood.

We believe that the best interests of the State, as well as the health and physical and moral development of the boys, thereby fitting them for spheres of future usefulness, would be best subserved by requiring them to devote a given number of hours each day to some manual labor. We would therefore recommend that an appropriation be made to buy a plant for a broom factory and chair factory, or something of a similar character. The inmates could in a short time be taught this kind of work with but little expense to the State; the surplus muscle of the institution could all be utilized and the state by growing its own broom corn on the farm, might possibly after a time derive a profit from this part of the institution while the boys would learn a trade which would enable them to make an honest living in the future. "An idle brain is the devil's workshop" and the state should see to it that these boys are kept constantly engaged.

We think the entire lower story of the building in which the superintendent now lives should be used for manufacturing purposes as stated above and that a superintendent's house should be built separate from the present buildings, which if erected of stone, could be done at a cost of about \$5000.

The institution is indebted to the Rusk penitentiary in the sum of \$529.29 for sewer pipe, which is not included in the superintendent's report to the comptroller. We recommend that an appropriation be made to pay it.

The milk supply is, in our judgment, insufficient, depending as it does on the product of fourteen common Texas cows. We would advise the appropriation of three hundred dollars or so much thereof as shall be sufficient to purchase at least one thoroughbred bull and one thoroughbred cow. With the facilities for taking care of stock we feel satisfied that the investment would soon repay the State.

We wish to emphasize the importance of putting in a plant for manufac-

turing as we have suggested. The engine and boiler power are already sufficient; the outlay would be quite insignificant, and when we take into consideration the benefit that would accrue to the inmates, by learning them a trade, and the amount of labor that could be utilized that is now lost, we think the State would soon be reimbursed for the outlay.

The management, under the present board of trustees, with Mr. McCulloch as superintendent, is even better than could be reasonably expected, taking into consideration the crowded condition of the apartments and the limited means at their disposal. There have been only four deaths in two years and the present health of the inmates is quite good, a condition, however, we apprehend will not continue long if something is not done to relieve the overcrowded condition of the dormitories.

All of which is respectfully submitted.

PERRY,  
BRIETZ,  
LUBBOCK,  
Committee.

#### BILLS AND RESOLUTIONS.

By Senator Stephens:

An act to amend section 8, chapter 55, of an act of the Legislature of the State of Texas, approved April 6, 1881.

Read first time and referred to committee on Public Lands.

Senator Tyler moved to postpone pending business and take up, out of its regular order, Senate bill No. 284. Lost.

#### ORDER OF THE DAY.

Senate bill No. 1, entitled, "An act to provide for the holding of the terms of the supreme court, commission of appeals and court of appeals at Austin, Texas,"

On second reading.

Question recurred to the motion of Senator Johnson to adopt the minority report.

The chair gave notice of signing and signed in the presence of the Senate, House bill No. 44, entitled "An act to be entitled an act to define and punish usury."

Senator Garwood moved the previous question on the minority report which was ordered.

The minority report was lost by the following vote:

## YEAS—10.

Clark.  
Clemens.  
Cranford.  
Harrison.

Ingram,  
Johnson.  
Kearby

Maetze,  
Pope,  
Tyler.

## NAYS—13.

Atlee.  
Carter,  
Finch.  
Garwood.  
Glasscock

Kimbrough.  
Lubbock,  
Potter.  
Simkins.

Sims.  
Stephens.  
Townsend.  
Weisiger.

Senator Frank announced that he was paired with Senator McKinney. If the latter were present he would vote aye and himself (Senator Frank) would vote no.

Senator Seale announced that he was paired with Senator Page. If the latter were present he would vote no and himself (Senator Seale) would vote aye.

Senator Crane offered the following privileged reports:

COMMITTEE ROOM,  
Austin, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate substitute bills Nos. 85 and 93, being "An act to amend chapter 1, title 17, of the Revised Civil Statutes of the State of Texas, by the addition of article 340 c thereto."

And find the same correctly enrolled, and have this day, at 10:45 o'clock a. m., presented the same to the governor for his signature.

CRANE, Chairman.

COMMITTEE ROOM,  
Austin, February 27, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate bill No. 217, being "An act to create the county of Foard out of parts of Hardeman, King, Cottle and Knox counties and to provide for its organization."

And find the same correctly enrolled, and have this day at 10:45 o'clock a. m. presented the same to the governor for his signature.

CRANE, Chairman.

Senator Sims offered the following amendment:

Amend by adding after the word "appeals," in line 2, section 1, the words "and writs of error."

Adopted.

Senator Johnson offered the following amendment:

Strike out all of section 1 after the word "Austin," and insert in lieu thereof the following: "Tyler and Galveston; and the supreme court shall fix a time for the holding of said courts at each of said places, and fix the length of the term thereat; and may from time to time change the same when necessary to facilitate the discharge of their duties."

Senator Potter offered the following amendment to the amendment offered by Senator Johnson:

Amend by striking out the word "Galveston," and insert the word "Dallas."

Senator Stephens moved to lay the amendment of Senator Johnson on the table, which was lost by the following vote:

## YEAS—11.

Carter,  
Finch.  
Frank.  
Garwood,

Glasscock.  
Kimbrough,  
Lubbock,  
Potter,

Simkins,  
Sims,  
Stephens.

## NAYS—15.

Atlee,  
Clark.  
Clemens.  
Crane.  
Cranford.

Harrison,  
Ingram  
Johnson.  
Kearby.  
Maetze,

Pope,  
Seale.  
Townsend.  
Tyler,  
Weisiger.

Senator Potter's amendment to the amendment was lost.

On Senator Johnson's amendment the following vote was taken:

## YEAS—13.

Atlee,  
Clark,  
Clemens.  
Cranford,

Harrison,  
Ingram,  
Johnson,  
Kearby,

Maetze,  
Pope,  
Seale,  
Townsend,  
Tyler.

## NAYS—13.

Carter,  
Crane,  
Finch,  
Frank,

Garwood,  
Glasscock,  
Kimbrough,  
Lubbock,

Potter,  
Simkins,  
Sims,  
Stephens,  
Weisiger.

There being a tie, the chair voted "no," and the amendment was lost.

Senator Sims offered the following amendment:

Amend by striking out in section 1, line 6, the word "only," and insert in lieu thereof the words "Travis county," which was adopted by the following vote:

## YEAS—14.

Carter,

Harrison,

Simkins

Finch,	Kimbrough	Sims,
Frank,	Lubbock,	Stephens,
Garwood,	Maetze,	Weisiger,
Glasscock,	Potter.	

NAYS—11.

Atlee,	Crawford,	Pope.
Clark,	Ingram,	Seale,
Clemens,	Johnson,	Tyler,
Crane,	Kearby.	

By consent, Senator Kimbrough sent up the following bill:

A bill to be entitled "An act to amend article 522, chapter 11, title 17 of the revised civil statutes of the State of Texas."

Read first time and referred to committee on State Affairs.

The following minority report was handed in:

COMMITTEE ROOM,  
Austin, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—The undersigned, a minority of your committee on Internal Improvement, to whom was referred

Senate bill No. 270, being "An act to prohibit railroad companies from attaching any conditions to passenger tickets and to compel them to transport the owner, holder or assignee of any passenger ticket over their lines and to grant a lay over ticket to such passenger between stations, and to provide a penalty for a violation of this act."

Beg leave to submit a minority report dissenting from the majority of said committee on the unfavorable report of said Senate bill No. 270. We believe that the time has arrived in this State when all unreasonable restrictions and regulations as to passenger fare and tickets should be prohibited, there is no good reason why the citizens of Texas should not have the same privileges granted them by the railroad companies of this state that are granted the citizens of other states as to passenger tickets. We believe that the railroad companies ought to give stop-over tickets to passengers over their lines of road, good for the remainder of the fare on the original ticket. We believe that the conditions attached to many of the passenger tickets in this state by the railroad companies are onerous, unjust and a hardship to the passenger, and should be prohibited. We,

therefore, recommend that said bill do pass.

GLASSCOCK,  
TYLER,  
CRANFORD.  
For the Minority.

Senator Sims offered the following amendment:

Amend by adding in section 1 after the word "Tyler" in line 7, the words "Smith county," and after the word "Galveston," in line 7, the words "Galveston county."

Adopted.

Senator Crane offered the following amendment:

Amend by striking out section 1 of said bill and inserting the following:

Section 1. Be it enacted by the Legislature of the state of Texas, That the supreme court of commission of appeals and court of appeals shall sit for the transaction of business from the first Monday in October to the last Saturday of April, at Austin, Texas, and at Tyler, Texas, from the first Monday in May until the last Saturday in June, and all appeals now returnable to Austin and Galveston shall be returnable to Austin only, and all cases now pending at Galveston shall be transferred to and be held in Austin by said courts respectively.

Senator Stephens offered the following amendment:

Amend by striking out two months and insert one month in lieu thereof.

Which was lost by the following vote:

YEAS—2.

Crane.

Stephens.

NAYS—24.

Atlee,	Glasscock,	Pope,
Carter,	Harrison,	Potter,
Clark,	Ingram,	Seale,
Clemens,	Johnson,	Simkins,
Cranford,	Kearby,	Sims,
Finch,	Kimbrough,	Townsend,
Frank,	Lubbock,	Tyler,
Garwood,	Maetze,	Weisiger,

Senator Townsend offered the following amendment.

Amend so as to provide that courts shall not be held more than eight weeks at either Galveston or Tyler.

Senator Lubbock moved to adjourn to 10 a. m. tomorrow.

Lost.

The amendment of Senator Townsend was lost by the following vote:

## YEAS—12.

Atlee,	Garwood,	Meatze,
Cranford,	Harrison,	Pope,
Clark,	Johnson,	Townsend.
Clemens,	Kearby,	Tyler.

## NAYS—13.

Carter,	Kimbrough,	Seale,
Crane,	Lubbock,	Stephens,
Finch,	Potter,	Simkins,
Frank,	Sims,	Weisiger,
Glasscock,		

House bill No. 211, entitled "An act to amend section (1) of an act entitled an act to amend section 46, chapter 25, of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46 of an act to encourage stockraising and to protect stockraisers; approved April 22, 1879, and amended April 4, 1881, and April 12, 1880, and March 27, 1887, and March 29, 1889."

Read first time and referred to committee on Stock and Stockraising.

House joint resolution amending section 51, article 3 of the constitution of the state of Texas.

Read first time and referred to committee on Constitutional Amendments.

Senator Townsend moved to lay the amendment of Senator Crane to the pending business on the table.

Adopted.

The Senate refused to engross the bill by the following vote:

## YEAS—9.

Carter,	Kimbrough,	Sims,
Finch,	Lubbock,	Stephens,
Glasscock,	Simkins,	Weisiger.

## NAYS—12.

Atlee,	Cranford,	Kearby,
Clark,	Harrison,	Maetze,
Clemens,	Ingram,	Pope,
Crane,	Johnson,	Townsend,
		Tyler.

Senator Frank announced that he had paired with Senator McKinney. If the latter were present he would vote no, and himself (Senator Frank) would vote aye.

Senator Seale announced that he was paired with Senator Page. If the latter were present he would vote aye and himself (Senator Seale) would vote no.

Senator Potter announced that he was paired with Senator Whatley. If the latter were present he would vote no and himself (Senator Potter) would vote aye.

Senator Stephens moved to reconsider the vote just taken, and asked to have that motion spread upon the Journal.

Senator Frank moved to postpone pending business and take up out of its regular order

Senate bill No 298, entitled "An act to authorize and empower the superintendent of the state penitentiary of Texas to receive from the treasurer of the United States in the name of the state of Texas the bounty on sugar raised and manufactured on the state penitentiary convict farms in Texas."

Which motion prevailed and bill read second time with a favorable committee report.

The bill was ordered engrossed.

Senator Frank moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill now pass to a third reading and final passage, which was adopted by the following vote:

## YEAS—24.

Atlee,	Glasscock,	Potter,
Carter,	Harrison,	Seale,
Clark,	Ingram,	Sims,
Clemens,	Johnson,	Stephens,
Cranford,	Kearby,	Townsend,
Finch,	Kimbrough,	Tyler,
Frank,	Lubbock,	Weisiger.
Garwood,	Pope,	

## NAYS—None.

The bill read third time and passed by the following vote:

## YEAS—23.

Atlee,	Garwood,	Pope,
Carter,	Glasscock,	Potter,
Clark,	Harrison,	Seale,
Clemens,	Ingram,	Simkins,
Crane,	Kearby,	Sims,
Cranford,	Kimbrough,	Tyler.
Finch,	Lubbock,	Weisiger.
Frank,	Maetze,	

## NAYS—None.

On motion of Senator Kimbrough, the Senate adjourned to 10 a. m. tomorrow.